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OFFICE OF PETITIONS

In re Application of  
Michael M. Sherman et al.  
Application No. 10/667,100  
Filed: September 17, 2003  
Attorney Docket No. 1423-AE

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 25, 2004.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

*Patricia Faison-Ball*

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